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LETTER

OF

ROBERT Y. HAYNE,

TO A COMMITTEE OF THE

STATE RIGHTS AND FREE TRADE PARTY,

EMBRACING A REPLY TO

COL. DRAYTON'S

LATE ADDRESS.

CHARLESTON:

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LETTER OF ROBERT Y. HAYNE.

Gentlemen—I have had the honor to receive your letter enclosing Resolutions adopted at a Meeting of the State Rights and Free Trade Party, in approbation of my public conduct, and especially of my vote in opposition to the New Tariff, and requesting my attendance at a "public festival," to be given at the earliest day convenient to myself. While I feel the deepest sense of obligation for the distinguished honor conferred upon me by the proposed festival, I am induced to believe that all celebrations of the kind are regarded by a respectable portion of our fellow-citizens as unfavorable to the health of the city at this time; and in deference to that opinion, I beg leave, most respectfully, to decline the invitation which has been extended to me through you in such flattering terms.

With regard, gentlemen, to the unqualified approbation of my public conduct, and especially of my vote against the New Tariff Bill, which my fellow citizens have been pleased to express, I can only say, that I receive it as the highest reward which I could possibly obtain at their hands. Though it is due to candor to say, that in taking the course which I have done, I was well aware that I was acting in accordance with the known wishes of my constituents generally throughout the State, yet I must at the same time declare, that I was by no means prepared for that warm, cordial, and enthusiastic burst of approbation with which I have been greeted from the mountains to the seaboard. I shall retain to my latest hour a deepfelt and overwhelming sense of gratitude at my reception in this city, on that day, the proudest of my life, when appearing before my fellow citizens as the herald, not of victory, but of defeat and having nothing to boast of, but faithful, though unavailing efforts in their behalf, I was received with higher honors

than a civic triumph. A life of devotion to such generous constituents, would be more than repaid by one such hour of heartfelt satisfaction.

Although I have, on several occasions since my return home, found myself called upon publicly to present my views in relation to the true character of the New Tariff, and the condition in which the South has been placed by its passage, yet it may perhaps not be inappropriate to this occasion, to offer some additional observations. My vote against the New Tariff was mainly influenced by a conviction that it embraced not only a distinct *recognition of the principle of protection*, but that it carried out that principle in its most objectionable form—by making so broad and unwarrantable a discrimination between what are called the *PROTECTED* and the *UNPROTECTED ARTICLES*, as to shew a fixed and settled purpose, of relieving the latter entirely from taxation, and throwing the whole burden of supporting the Government upon the former. If I could have been satisfied that the statements which have been made as to the aggregate reduction of duties, were perfectly correct, I should for this reason alone, have still voted against the Bill. From the moment the American System became the subject of serious dispute, the point on which the whole controversy has turned, has been, whether duties not necessary for revenue should be imposed merely for the protection of domestic manufactures. Against duties imposed for revenue, not one word of objection has ever been urged. The South did not complain that teas, and wines, silks and laces, spices, velvets and jewellery, had duties imposed upon them *to raise a revenue* or the support of Government, and the payment of the public debt, but that sugar and salt, woollens, cottons, iron and other similar articles, had duties imposed upon them beyond the revenue standard, and for the avowed purpose of affording *protection*, as it was called, to the American manufacturer of similar articles. It was because the cotton, rice and tobacco of the South were exchanged in European markets for the very articles thus exorbitantly taxed, in order to secure to our rivals an advantage in our own markets, that we protested against the imposition of these protecting duties, as an act of the grossest injustice towards us, rendering in effect, our industry tributary, to the industry of others. In this aspect of the question, it is manifest, that nothing short of the present or prospective abandonment of this system, by bringing down the protecting duties to the true revenue standard, could possibly satisfy the just claims of the South. According to my views of this great question, it would be utterly impossible for me to have given my support to any Bill, which proposed so to arrange the duties *after the payment of the public debt*, as in effect to relieve the unprotected articles from taxation, while the duties on the protected articles were to remain substantially undiminished. A careful examination of the condition of our finances had satisfied me that duties ranging from 12½ to 15 per cent would, under a system of free trade, have been abundantly sufficient, with the other sources of revenue, to meet all the necessary expences of Government. This indeed was admitted by the Tariff party themselves on several occasions during the last session of Congress, and especially in fixing the duty on indigo at 15 per cent, when it was left to them by the Southern members to say what was a fair *revenue duty*. Any

scheme therefore, by which the Tariff was to be so adjusted as to keep up the duties on the protected articles at 40 or 50 per cent, while the duties on the unprotected articles were to be carried down to 5 or 10 per cent, or to be entirely repealed, could not have received my support; for besides that such an arrangement of the Tariff obviously increased the inequality and aggravated the injustice of which we had so long and so loudly complained, it was impossible not to perceive that it was calculated to establish the protecting system on an immovable foundation. The extinction of the national debt was a most interesting crisis in our affairs, and one not likely to occur again. The country was now to be relieved from a demand upon its Treasury equal to \$12,000,000 per annum, and if this was not to be followed by a corresponding reduction of the duties on the protected as well as the unprotected articles—if by a new and uncalled for extension of the appropriations—or by a total repeal of the taxes on the unprotected articles—high duties on the protected articles should be rendered necessary to meet the expences of the Government; it was perfectly obvious that no further reduction on those articles could be reasonably expected, especially as the payment of the public debt had, by common consent, been looked to as the period, when the policy of the country in reference to this great question, was to be permanently fixed and the question settled forever.

Since my return home, I have seen it frequently asserted in the public prints that the New Bill must be regarded by us as *the first step* towards further concessions on the part of the manufacturers—a sort of “entering wedge,” by which the system is in the end to be split to pieces, and I am aware that it is on this ground that it is supported by some, who profess an unalterable determination not permanently to submit to the protective system. On this point, I can only say, that the Bill did not come to me recommended by any vain expectation of that sort. No *promises* of further reductions, as far as I know or believe, were held out by the Tariff party in Washington or elsewhere; nor do I remember ever to have heard a single supporter of the system, in Congress, or out of it, utter one word to encourage the hope that at any future day, however distant, the protective system was to be abandoned, or a further reduction made on the protected articles. From the commencement of the discussion in the Senate, up to the debate on the final passage of the Bill, the language of Mr. Dickerson, Mr. Clay, and the other supporters of the system, distinctly and uniformly was, that the protective system was to be maintained unimpaired; and they supported the Bill on its final passage, expressly on the ground that it amounted, in the emphatic language of Mr. Clay himself, “TO A CLEAR, DISTINCT, AND INDISPUTABLE ADMISSION OF THE PRINCIPLE OF PROTECTION.” Let these facts be taken in connexion with the following distinct declaration of the Secretary of the Treasury, in the report which accompanied his Bill, viz. “an opinion has been heretofore expressed by the undersigned in favor of a prospective and gradual reduction of the existing duty on articles embraced by the protective system; but it has been *departed from* in the Bill in deference to respectable opinions from other quarters, but principally from what is understood to be the *wish* of the manufactures themselves, who prefer a system PERMANENT in its character to one LIA-

“BLE TO CHANGE”—and can any candid man say, that there remains a “loop on which to hang a doubt.” It is clear that the New Bill can only be regarded as a settlement of the question, and so far as Congress is concerned, it must now be regarded as “the settled policy of the country.” In this opinion, gentlemen, six of your Representatives and both of your Senators, have concurred, including one (Mr. Nuckolls) long a member of the *Union Party*, who had cherished the most sanguine hopes even to the last, and until they were finally extinguished by his own observation and experience. If we are mistaken in the opinion which we have formed on this subject, then have I been an attentive observer of passing events in Washington for the last eight years, to very little purpose. I have seen throughout the whole of that period, during which three successive Tariffs have been enacted, a constant increase of strength on the part of the supporters of the American System—I have seen them making steady advances towards the consummation of their policy—I have seen the leaders of political parties struggling for power by courting the favor of the supporters of that system—I have seen influential men opposed to the system *in principle*, carried away by the current popular opinion, and excusing their apostasy on the ground that the system was established, and it was useless any longer to resist it. Seeing all these things passing before my very eyes—witnessing the almost daily enlargement of the power, and extension of the patronage, of the Federal Government, accompanied by a disgraceful scramble for the public money—finding that the appropriations of the last year had exceeded by several millions the ordinary expenditures of the Government—that a proposition to divert \$3,500,000 of the public revenue, (now derived from the public lands,) to purposes of *Education*, *Internal improvement* and *Colonization* had actually succeeded in one House, and was clearly destined to succeed in both—I have found it impossible to resist the conviction, that the American System has triumphed, by the complete establishment of its pernicious principles—principles which I do most conscientiously believe, must eventually lead to the establishment of a consolidated Government, to the entire annihilation of the States, as independent Sovereignities, and the utter destruction of “the prosperity, nay of the very existence of the Southern States.” It does seem to me too obvious to admit even of dispute, that the exercise, by a great central Government, of the power of “regulating and controlling the whole labor and capital of the country” must inevitably destroy the federative character of our Government, and “erect upon its ruins one great consolidated despotism without limitation of powers.” So rapid have been the advances made of late years towards this end, that it is a melancholy truth, that in many parts of our country the people have had their eyes so constantly turned towards the Federal Government, as the prolific source of bounties, and the grand distributor of “*the spoils*,” whether of political victories, or of partial legislation, that it has actually come to be the prevailing opinion, that ours is in fact a consolidated Government; that the States stand in the same relation to the United States as a county or parish to the State, of which it is a part; and that “the will of the majority is the supreme law.”

Whatever difference of opinion may exist as to the *rate* of duties, or the amount of reduction, under the New Bill, there can be none

as to its *general character*. It is written in every page that it is a **HIGH PROTECTIVE TARIFF**, and that this is to be the leading feature of our revenue system after the final extinguishment of the public debt. While the duties on the protected articles are under the New Bill to be maintained, at rates greatly exceeding the revenue standard, those on the unprotected articles are reduced greatly below that standard, and to a very large amount have been *entirely repeated*. The following table of the leading articles under these two heads, will exhibit this so plainly, as to make comment unnecessary.

TABLE OF DUTIES UNDER THE NEW TARIFF.

PROTECTED ARTICLES.	UNPROTECTED ARTICLES.
<i>Woollen Cloths</i> (except Plains, &c. under 35 cents,) 50 per cent.	<i>Silks</i> , 5 to 10 per cent.
<i>Cottons</i> , average duty 45 per ct.	<i>Wines</i> . (Madeira and French.)
* <i>Flannels</i> , } finest 32 per cent ;	<i>Teas</i> , free (7½ to 25 per cent.)
<i>Boerings</i> , } lowest 175 per cent.	<i>Coffee</i> free.
<i>Baizes</i> , }	<i>Cocoa</i> free.
* <i>Wool</i> , except the coarsest, 70 per cent.	<i>Spices</i> free.
* <i>Floor Cloths</i> , on some qualities, 109 per cent.	<i>Quicksilver</i> free.
<i>Iron</i> , (rolled,) upwards of 100 per cent.	<i>Tin in Plates</i> free.
<i>Hardware</i> , 25 to 300 per cent.	Salt petre crude, opium, almonds, currants, prunes, plums, figs, raisins, camphor, flax unmanufactured, marble, do. argol, gum arabic, &c. epauletts, lace dye madder, madder root, nuts and berries used in dying, sumach, saffron, tumeric, woad or pastel, aloes, ambergris, Burgundy pitch, bark, Peruvian, cochineal, capers, chamomile flowers, coriander seed, cantharides, castanas, castor-oil, chalk, coculus indicus, coral, dates, filberts, filtering stones, frankincense, grapes, gamboge, hemlock, henbane, horn plates for lanterns, ox horns, other horns, and tips, India rubber, ipiecacuanha, ivory unmanufactured, juniper berries, musk, nuts of all kinds, olives, oil of juniper, paintings and drawings, rattans, unmanufactured, reeds, unmanufactured, rhubarb, rotten stone, tamarinds, tortoise shell, and a hundred other similar articles.
<i>Salt</i> , from 50 to upwards of 100 per cent.	
<i>Spirits</i> , 100 per cent.	
<i>Cordage</i> , 80 per cent.	
<i>Lead</i> , 114 per cent.	
<i>Paper</i> , 91 per cent.	
<i>Molasses</i> , 42 per cent.	

And so on with a great variety of other protected articles, such as *Coal, Glass, Candles, Cotton Bagging, &c.* to all which the proper addition is to be made for cash duties, diminished credits, and change in the pound sterling.

The amount of the importation on these protected articles in 1830, exceeded \$29,000,000, and the duties under the New Bill, will probably not fall short of \$12,000,000.

*The rates on these articles are taken from the Banner of the Constitution of July 1832. The six last items are taken from the Treasury Statement of May last.

To exhibit the true character of this Bill, I will here state, that taking the whole importation of the year 1830, (\$58,130,675) it appears from Col. Drayton's own statement, that \$29,120,629 were of protected articles, leaving for the unprotected and free articles, \$29,010,046—on which there will be levied, under the New Bill, a *net revenue* (after deducting drawbacks, adding the duties omitted and the valuation of the pound sterling) on the *protected articles* of \$10,224,595, and on the *unprotected and free articles* of only \$3,227,353. A statement, with which I have been furnished exhibiting this result, is hereto annexed: †

Putting out of view other clear indications of the spirit by which the late Congress was animated in the arrangement of the Tariff, there were four distinct propositions made by myself in the Senate, all cordially and zealously supported by the Southern members; the fate of which left not a shadow of doubt on my mind as to the real sentiments of the Tariff party, or the principles intended to be embodied in the New Bill. The first was my amendment to Mr. Clay's Resolution, by which I proposed to bring down the duties gradually to the revenue standard, adjusting them on the protected and unprotected articles on principles of perfect equality. My proposition was treated by the Tariff majority as a scheme to destroy the manufacturers, by pledging Congress to the ultimate abandonment of the protecting system, which it was declared had

†STATEMENT

	Value of imports one year to Sept. 1830.	Duties as modified by Act of July 1832.	Amount of duties after deducting drawbacks
Whole importations, Add omissions in the duties,*	58,130,675	15,136,959 324,989 15,451,948	13,451,948
Protected articles, Add duties omitted, Add difference in the pound sterling,	29,120,629	10,962,716 324,989 336,890 11,734,595	10,224,595
Unprotected articles, Free articles,	20,170,046 8,848,000	3,727,353	†3,227,353
	58,130,675	15,451,948	13,451,948

* These consist of over-estimates of reductions on woollens, cotton bagging, twist, yarn, hardware, &c.

† Col. Drayton makes this amount greater, but this arises from his having taken from the gross amount of duties to which had been added the change in the pound sterling, the duties on the protected articles, without adding thereto the change in the pound sterling.

become the settled policy of the country. It was said that while an immediate reduction to the revenue standard would be "sudden destruction to the manufacturers,"—a gradual reduction would be "slow poison" and my proposition was rejected. My next motion was, to add to the clause of the Bill imposing a duty of 16 cents a yard upon flannels, a proviso *that the duty should in no case exceed 50 per cent.* I had in my possession documents derived from mercantile men, who had long been engaged in the sale both of the foreign and domestic article, shewing that flannels of the description used by the great mass of the laboring people in both Countries, could be purchased in England at 8 cents, equal to 10 or 12 cents *the square yard*, making the proposed duty on coarse flannels used by the poor 160 per cent, while on the finest description of flannels used by the rich, the duty was but 32 per cent. Yet *this proposition was rejected*, on the ground that a duty of 50 per cent was insufficient for the effectual protection of the American manufacturer of flannels, while the discrimination between the fine and the coarse article was justified on the ground that it was the coarse flannels which were chiefly manufactured in this country. I was unable to construe this vote in any other way, than that the protecting system was to be maintained inviolate, however unjustly, unequally, and oppressively it might operate upon the community; for surely if there be any one article in the whole catalogue of our domestic and foreign productions which the people at large, and especially the poor, have a right to obtain, subject to the smallest amount of taxation, it is an article like flannels, which is essential to the comfort, health and safety of their families; an article too, in relation to which, the manufacturers had long enjoyed a complete monopoly, and must have acquired skill from ample experience. It is true that the duty on this article has been reduced from 22 to 16 cents, but on the coarse flannels this reduction is merely nominal, the duty still exceeding 100 per cent and being actually prohibitory, and surely it can make no difference whether prohibition be effected by a duty of 50 or 200 per cent. My next proposition was to *strike out* that fraudulent device—the *minimums on Cottons*, by which an article costing 5 or 6 cents a yard, was to "be deemed and taken and to have cost 35 cents." and to pay duty accordingly. My colleague Mr. McDuffie had attempted the same thing in the other House, confining his motion to those coarse Cottons only, which Mr. Appleton and others, had declared could enter into successful competition with British Cottons in all the markets of the world, and which of course no longer stood in need of protection at home. It has been asserted that in the New Bill "the minimum principle has been given up." This however is not the case. On WOOLLEN goods the minimums have been abolished, and an equivalent advantage secured or intended to be secured to the manufacturers, by inflicting upon the importers of this article, the greivous imposition of *cash duties*; by a change in the valuation of the pound sterling, (a measure by the bye bearing with peculiar hardship upon the trade with England,) and by increasing the duty upon woollens costing more than 35 cents, from 45 to 50 per cent. But with regard to Corroxs, the minimums have been retained, and yet with regard to this article, it was not pretended to be denied that from the skill acquired, and the command for the raw mate-

rial at the cheapest rates, the time had come, if it was ever to arrive, when the minimum principle (under which the duties ran up to upwards of 100 per cent,) might be safely abolished. My motion to strike out the minimums on Cottons, (which would have left the duty on that article at 25 per cent,) was accompanied by a provision that *the duty on raw Cottons should be reduced to 15 per cent ad valorem*—a motion which I was induced to make in order to shew to our opponents that we claimed no protection for this great staple of the South, beyond that which was to be derived from free trade and unrestricted industry. *My motion failed entirely.* It was said, that though coarse Cottons did not stand in need of any protection *at this time*, yet it was wise “to keep up the fences,” by which a ruinous foreign competition might be kept out. In this vote, I thought I saw unequivocal indications of a fixed and settled purpose on the part of our opponents, never to suffer any, even of the outworks of their system to be demolished. My last proposition was, that a general *proviso* should be inserted at the end of the Bill, declaring that the duties imposed by it *should in no case exceed 100 per cent.* I knew that the principle on which the Tariff party in Congress were acting, was, that “adequate protection” was to be afforded, no matter at what cost. My object in making this motion therefore, was, to obtain a recognition of the principle, that if any manufacture could not be carried on without a protecting duty *exceeding 100 per cent*, it was not the policy of the country that it should be sustained, or that our opponents should be driven to the distinct assertion of the contrary principle, and to the admission at the same time of the fact, that there were manufactures which would enjoy a protection of more than 100 per cent under the New Bill, and to which such an amount of protection was deemed indispensable. As my proviso could only operate on cases of this description, there could of course be no possible objection to it in any other view, and I must do my opponents the justice to say, that where our demands did not come into conflict with their own immediate interest, they have at all times manifested a most praiseworthy disposition to comply with our wishes. In making this motion I stood prepared to shew, that the duties under the New Bill on the inferior qualities of salt and sugar, on common English rolled iron, on a variety of articles of hardware, on coarse flannels and Cottons, and many other protected articles, exceeded 100 per cent. and I distinctly submitted the question, whether protection was to be carried up to an amount exceeding 100 per cent. *This motion likewise failed.* It was in consequence, as I believe, of the disposition manifested by the majority in relation to these several motions, that Mr. Tazewell of Virginia, who had with great pains prepared a Bill which he had intended to offer as a compromise, abandoned his purpose, deeming all further opposition vain. I think I cannot be mistaken when I say, that on the final rejection of this last proposition, there was not a free trade man in the Senate who did not see and feel, *that all hope was at an end*, so far at least, as depended upon Congress. Such at least was the deep and settled conviction left upon my mind. I so declared in my place in the Senate Chamber at the time—I have said so in the Address to the People of South-Carolina, and I here solemnly repeat that declaration.

Reference having been made in a recent publication by Colonel Drayton to the Address of the Senators and six of the Representatives of South-Carolina, to the people of this State, it becomes proper that I should advert to some of his remarks, which cannot be passed over with due respect to the source from whence they proceed. Col. Drayton asserts, in various passages in his Address, "that the New Bill was a COMPROMISE, the *conditions* of which were understood to be, that the advocates of restriction should consent to a considerable reduction in the rate of protective duties, and in the amount of the revenue to be collected from imports, and that some changes should be made in those parts of the system, where its pressure was peculiarly obnoxious—that the majority acquiesced in this compromise—that he himself called upon the friends of free trade to endeavor to obtain an amelioration of the system by compromise with their opponents, and to *postpone all efforts for its repeal to a future and more auspicious period*—that the compromise which he recommended was intended to *meet the existing crisis*—for which an immediate remedy was necessary—that that remedy could not be administered without the co-operation of the friends and adversaries of protection—that *this co-operation* to the extent which has been stated, *was obtained*—and finally, that in the compromise which the restrictionists declared themselves willing to enter into, they did not agree to abandon protection, which they *claimed as a right*—and that it was unconnected with any compact express or implied, as to the settled policy of the country, or as to the true construction of the powers to lay and collect taxes, or to regulate commerce." I think have here fairly collected from the Address all that is material in relation to this point—except that Col. Drayton intimates "that though the majority *acquiesced in this compromise*, it was not so executed as to be free from objections," and that "the partizans of Nullification" (meaning, I presume, a majority of the Representatives from Georgia and South-Carolina, and the other Southern members who voted against the Bill,) "*did not subscribe to these terms*" Now, for myself and in behalf of my colleagues, with whom I acted on that occasion, I can only say that we were no parties to any such compact, whether express or implied. I remember to have heard rumors in Washington that such an arrangement had been proposed by some of the supporters of Mr. Van Buren, who deemed it necessary to quiet the claims of the South, in order to smooth his way to the succession, but I was not aware of the fact that any compromise whatever had been accessed or needed to on the subject. The "partizans of Nullification" could not have subscribed to terms, concerning which they were not consulted. We were not admitted to the counsels of *that majority*—who it now seems in order "to meet the crisis" by an immediate remedy, were willing to postpone all efforts for the repeal of the protecting system to a more convenient season. If I had consented to enter into a "co-operation" with the friends of protection, and, for the purpose of carrying such a compromise into effect, had voted for the New Bill, and such a vote had been cited to prove that I was inconsistent and treacherous to my duty," I might have urged (I will not say as a "subterfuge")—that "by declining to vote for the Act of 1832, I would have virtually contributed to rivet upon my fellow-citizens the

greater oppression of 1828"—but I should have been "confounded and silenced by the reply"—that the South-Carolina delegation, even if they had been unanimous on the subject, had no authority to barter away the rights of their constituents—that by becoming parties to an arrangement in which there was no *stipulation* whatever, that the protecting system was to be *eventually abandoned*, or any further reduction of the duties hereafter to be made, we had effectually closed the door to hope and delivered our fellow-citizens, bound hand and foot into the power of the manufactures; for surely no man can be so blind as not to see, if the late Bill is to be considered as a "compromise," that an *implied obligation* is imposed, that we shall quietly submit to its provisions, and they must have formed a very different opinion of the spirit by which the Tariff party are governed, from that which I entertain—who suppose, that with a distinct understanding on their part that we will submit to the oppression, there can remain any hope for the South. To expect any further reduction of duties on the protected articles under such circumstances, would, it seems to me, be as extravagant, as to expect, that the garrison of a fort should lay down their arms and surrender at discretion, in the expectation of being permitted to resume them, and march out with all the honors of war. It would be almost as absurd, as to summon a fortress to surrender, with a declaration that if the garrison did not capitulate, we would raise the siege. I will not say what effect the New Bill, passed as it has been in spite of the remonstrances and protests of a majority of the delegations of South-Carolina and Georgia, and of a large portion of the Representatives of the other Southern States, may have on our future prospects; but this I will say, that if these "partizans of Nullification," as Col. Drayton has been pleased to call them, had *united with him* in receiving that Bill as a *compromise*, the door to hope would have been effectually and forever closed. With regard to the idea, that in voting for such a measure no sanction was given to the principle of protection, which it is admitted is embraced in it, or to the gross inequality and injustice of its provisions, but simply a preference expressed for it over the Tariff of 1828, "as a choice of evils," I can only say, that for myself, I utterly disclaim the right of a majority of Congress to impose upon me an obligation, by my own vote, to inflict upon my constituents one or the other of two measures, *both* unconstitutional, oppressive, and unjust. They only are the authors of the evil, who commit the sin, and a ruffian might just as well make me a participator in the guilt of murder, by requiring me to decide whether his dagger shall be planted in the bosom of my brother or my son, as for a majority in Congress to require me to choose between two such Bills, as the Tariff of 1828, and the Tariff of 1832. The plain dictates of morality, as well as of common sense, it seems to me, require us in all such cases, after honestly using our utmost efforts to accomplish what is right, to leave the responsibility with those who have the power to do justice, yet resolve to commit injustice. I freely admit, that there may be questions of mere expediency in which a sound discretion in this respect must be exercised; but in questions of *principle* we have no right to choose the lesser, to avoid the greater evil, or in the language of holy writ, "to do evil that good may come of it." In the particular case before us, the difference between

refusing to vote for the repeal of the Tariff of 1828, by voting for a bill equally objectionable in principle, and *actually voting for that Tariff*, would be the same in my estimation as remaining borne-down by an oppression forced upon us in spite of our struggles, and "forging the chains ourselves by which our liberty is manacled."

The difference between finding ourselves in a state of "colonial vassalage," brought upon us by the injustice of others, and entering into a compromise to *remain so*, until from a returning sense of justice, our oppressors shall consent to our release. What would our ancestors have said of a proposition to effect a partial repeal of the Stamp Act, or to reduce the tax on tea to 2d a pound, provided they would *assent to the provisions of the new bill*, as, "a choice of evils?" I have read all the lessons inculcated by the history of our Revolution in vain, if such a proposition would not have been indignantly rejected from one end of the country to the other. It would have been said, and said truly, that such a compromise involved the admission of the very point in dispute, and would leave them without hope, except in the tender mercies of a Parliament irresponsible to them.

It has been asserted by Col. Drayton, that Mr. McDuffie's Bill contained as plain an admission of the protecting principle, "by legislating for the continuance of some protecting items during a single year, as by legislating for them all, without any limitation as to time." It appears to me however, that there is a very manifest distinction between a Bill providing for the eventual relinquishment of the protecting principle, already introduced in the legislation of the country, and a Bill retaining that principle, and making no provision whatever for its abandonment. But, in this case, Mr. McDuffie's Bill was to have gone into operation immediately, and before the public debt was paid. And surely higher duties might, on the soundest principles, be imposed, while there was a charge of \$12,000,000 per annum on the Treasury, than could be justified after that charge was removed. By Mr. Duffie's Bill, the duties on the protected articles were to be reduced to 12½ per cent, thereby securing an abandonment eventually, of the principle of protection—whereas by the New Bill, duties of 40 and 50 per cent, and upwards, are imposed on the same articles, after the final extinction of the public debt. By the one, the abandonment of the protecting principle was secured, by the other, as I humbly conceive, it has been established. And there is this further difference between these two Bills, that while the former, as a Bill of compromise, would have satisfied the South, the latter is satisfactory only to the manufacturers.

I will now proceed to notice certain alledged errors, which Col. Drayton has kindly undertaken to point out in the Address of the majority of the South Carolina Delegation. Col. Drayton commences his comments upon that Address, by intimating that more than common accuracy was to have been expected, "because it must be presumed to have been drawn up with the utmost deliberation;" and then goes on to express his surprise at the statement made in the Address, "that the burthens of the protecting duties are decidedly increased, estimating the cash duties and diminished credits, and they now stand at average of more than 50 per cent, while the duties on the unprotected articles, which upon every principle of

equality and justice, should sustain the principal part of the burdens of taxation are, with a few inconsiderable exceptions, *entirely repealed*—"when (says Col. D.) the amount of all the duties declared free by the Act of 1832, are estimated in the statement of the Treasury at no more than \$400,000." Now, if the authors of the Address had committed so gross and palpable an error as that into which Col. Drayton has here fallen, it might have been urged as an excuse for them, that though the principles on which the Address is based, and the general character of the New Bill had been maturely considered, yet as far as related to the details, it must, of necessity have been very hastily prepared, inasmuch as it was written and printed, in the city of Washington, after the passage of the New Bill, and before the adjournment of Congress, which, as Col. D. well knows, embraced a period of only one or two days. The authors of the Address were not in sufficient favor at the Treasury to be furnished with a statement, kindly prepared for their use; and yet, Col. Drayton, laboring under none of these disadvantages, after a delay of several weeks, and the most careful preparation, with a Treasury document in his hands, comes out in a paper of so "grave a character," that it has been likened to "a voice from the mount;" and which "it must be presumed, was drawn up with the utmost deliberation"—and asserts "that the amount of all the duties declared free by the Act of 1832 is no more than \$400,000," when it appears on the face of the very statement itself, on the authority of which this most extraordinary assertion has been made, that besides these \$400,000, there are other articles declared free by the Act of 1832, to the amount of no less than \$2,708,634, making together the sum of \$3,108,631.

Now whatever errors the authors of the Address may have committed, they have certainly committed none half so extraordinary or unaccountable as this into which Col. Drayton has himself fallen. He tells us expressly that his support of the New Bill depended entirely upon the amount and character of the proposed reductions. Is it not passing strange therefore, that he should have given his vote, as we must now presume he did, under the impression the articles made free under the Bill amounted only to a few hundred thousand dollars, when in truth they amount to upwards of \$3,000,000. This is certainly so extraordinary a circumstance, that if he had not himself given us the information, it would hardly have been credited in this community. If Col. Drayton from a careful examination of the provisions of this Bill, had ascertained that it embraced *free articles* to the amount of \$3,000,000, might he not have changed his views entirely as to the true character of the measure, and even now, if "the pride of opinion," for we will not impute to him "the lust of power"—shall not be suffered to influence the decision, may we not hope that from a careful re-examination of the provisions of this Bill, he will yet discover that it has no features of compromise, which ought to render it acceptable to the South. In relation to the other alleged error said to have been committed by the authors of the Address, in asserting that the "*burdens of the protecting duties* had been increased, *estimating the cash duties and diminished credits* to an amount which was believed to be upwards of a million of dollars," it will be seen from the very form of the expressions here used, as well as the whole scope and character of

the Address, that minute accuracy as to the amount of reduction, was not aimed at, and under the circumstances of the case, must have been altogether unattainable. Our opposition to the New Bill depended in no degree upon the question whether the Bill was to effect "an inconsiderable reduction on the protected articles, or to increase the duty by an equal amount—a few hundred thousand dollars more or less in adjusting a revenue of 25 or 30 millions, being of little importance in our estimation." The general character of the Bill was manifest on its face—it had clearly aggravated the inequality and injustice of the system, by greatly reducing or taking off entirely the duties on the unprotected articles, while the duties on the protected articles remained substantially the same. The amount of reduction on the latter could not of course be accurately ascertained. In the Senate, it was not claimed to be more than a few hundred thousand dollars; and when against this there was to be set off an acknowledged increase of duties upon some articles, together with the introduction of new and oppressive regulations, such as *cash duties*, *diminished credits*, and change in the pound sterling, it certainly cannot be considered strange that the authors of the Address should have expressed *the belief* (and they did not venture to do more,) that taking all these into consideration, "the burdens of the protecting system had been increased." If without the advantage of any new Treasury statement, they have committed even greater errors than those which have been laid to their charge, it would certainly have been much more easily accounted for than the mistake lately committed by the Treasury itself of near *one million and a half of dollars*, in the estimated amount of reduction on the *single article of cottons*—or that committed by Col. Drayton himself, to the amount of *three millions*, which we have just pointed out. In making estimates of this nature, it is impossible to obtain any other data for our calculations than the official statements of the Treasury; and these I am sorry to say have been so contradictory, as to furnish but feeble lights to guide us through the labyrinth of complicated calculations. At best these statements have, so far, proved but blind guides—often contradictory and irreconcilable with each other. Mistake after mistake has been pointed out, and error after error detected. Five different reports have been submitted to Congress in reference to the estimated amount of reduction on the protected and unprotected articles under the various Bills that have been before that body, and by assuming the *net* revenue as the basis of the calculation, in one case, and the *gross* revenue in the other; in one case taking the *fiscal*, and another the *calendar* year—including the drawbacks in one statement, and excluding them in another—so great a variation has been produced in the results, that in one instance the amount of reduction under Dickerson's and McLane's Bills, *on the very same articles, to be made free under both Bills*, is reported to be \$2,168,039 under the former, and \$6,607,761 under the latter.

I make this statement with no view of casting any imputations upon the distinguished gentleman at the head of the Treasury Department, or impeaching the *fidelity* of his agents—I state *these facts* mere for the purpose of shewing why it is, that I am not even now disposed to rely very implicitly on the accuracy of the new Treasury Statement, which Col. Drayton assumes as conclusive on

all the points in dispute. Without going into minute calculations on the subject, I will here take up the statements submitted by Col. D. himself, and *prove from his own shewing* that the former estimated reduction on the protected articles has heretofore been grossly exaggerated. I will offer to the public the data which will enable every man to calculate for himself whether "the burthen of the protecting system" has been increased or diminished, and to what extent under the Bill.

Let it here be borne in mind, that the public have heretofore been made to believe, that a reduction had actually been effected "of \$12,000,000, of which upwards of \$3,000,000 were on the protected articles." It is now admitted by Col. Drayton on the authority of the new Treasury Statement there will be a reduction of only \$1,869,056 of the amount of duties on *protected articles*, and in the whole of only \$5,187,078, without making on the former any deduction for the "cash duties, diminished credits or change in the pound sterling." Col. D. has in a note calculated the amount of these at \$759,949, which being deducted from the \$1,869,056, leaves a reduction on protected articles of \$1,109,107, and it this amount be deducted from the "aggregate reduction" as stated by Col. Drayton, it will make the reduction on the unprotected articles under the New Bill, in round numbers about \$4,000,000, while it will be seen that on the protected articles it is but a little more than one million. But on looking at the data assumed by Col. D. as the basis of his calculation, it will be seen that while in stating the aggregate reduction at \$5,187,078, he has taken *the nett* revenue (after deducting drawbacks and expenses of collection,) in arriving at the amount of reduction on the protected articles, he has made his calculations on the gross revenue (viz. on \$15,126,959, instead of \$12,101,567.) Now it is very clear that the same data must be assumed in both cases, and it being equally clear that drawbacks, (being the amount of duties restored to the importer, on goods that do not enter into the consumption of the country,) constitute no part of the public burthens, the nett revenue is the only true basis of our calculations. Leaving out "the expenses of collection" and deducting the assumed amount of the *drawbacks* on the former and present duties on the protected articles (according to Col. D's estimate of these duties) would reduce the amount of the estimated reduction on the protected articles by about \$200,000. This calculation has been carefully made by more skillful accountants than myself. The result shews that 200,000 must be deducted for drawbacks if the reduction on the protected articles is to be estimated on the nett revenue as "the aggregate reduction" has been, and the amount of reduction on the protected articles, is thus brought down to \$909,107. It appears also that there is an error of \$32,362, being a mistake in calculating the difference on the pound sterling on \$14,511,657, at \$1,075,160, instead of \$1,161,152, the duties upon which (at 37½ as stated,) is \$436,890, which will make a further reduction of \$32,362 necessary. Again, Col. Drayton too has made no allowance for the increased duty on cotton bagging or rather on *Hessians* used for that purpose, on which articles under the provisions of the New Bill there will be an aggregate increase of duty according to the statement of mercantile men, estimated at \$32,

§89. ‡ Again, Col. Drayton has made no allowance for the increase of duty on various articles of iron manufactures, under the 10th and 12th clauses of the second section of the Act, by which it is provided, in substance, that all manufactures of iron now paying ad valorem duties of 25 to 30 per cent. shall pay specific duties, varying from 3 to 9 cents per lb. if the latter shall in any case amount to more than the former. Immediately on these amendments being proposed to the law, I received a memorial against it from experienced persons in Philadelphia, representing that these new duties would amount to an enormous increase on hardware, in some cases carrying up the duty to upwards of 300 per cent. and "*that the average increase on coarse articles would not be less than 125 to 150 per cent.*" In the letter which accompanied that memorial it was stated "that if the Senate should pass the Bill from the House as it is, it would be impossible to collect the duty on hardware without breaking every cask; that there are many articles which would require cutting apart, to ascertain by weight which is the article of greatest value, and though the writer was unable to say what the increase of the duty would be, yet *it would not fall short of \$500,000, and would probably amount to nearly a million.*" I have since consulted merchants in this city extensively engaged in the importation of hardware, and they concur in opinion that it would be a very low estimate to set down the increase of duty on those articles at \$200,000. Again, in the Treasury estimate of the reduction of the duty on WOOLLENS (which Col. Drayton has adopted,) it is taken for granted that the whole amount of negro cloths and Kendal cottons consumed in the Southern States—will cost, all charges included, less than 35 cents; and will therefore pay only 5, instead of 50 per cent duty. My information on this head, is very different. I am assured, that according to present prices, very little if any can be brought in under this low duty. Taking the proportions imported into this place last year, when the prices were unusually low, near one-third part of the importations would come under the 50 per cent. duty, and even on this basis a deduction would have to be made from the estimated reduction on negro cloth of \$55,031. But in a statement with which I have been furnished by one of the most respectable and intelligent importers of this city, it is asserted "that

‡ The former duty on cotton bagging was 5 cents, and on Hessians, 25 per cent. By a Treasury rule, this latter article of a certain weight and width was charged with duty as bagging. This rule was rendered nugatory by using Hessians of less weight and width. The new law declares that the duty on cotton bagging shall be imposed without regard to the weight or width, and was intended to bring all Hessians used for bagging under the 3½ cents duty. Taking it for granted that this will be its effect, taking the whole amount of cotton bagging imported, and supposing 400,000 bales to be packed in the domestic article, the duty on the remainder now supplied by Hessians charged at 3½ cts. on the whole, amounts to an increase of the duty, according to a statement furnished by a Charleston merchant, of \$32,989, instead of a diminution of \$10,000, as stated by Col. D. making an over estimate of reduction of \$42,000 on Cotton bagging.

there is the fullest assurance derived from the *latest intelligence from England*, that wooll's cannot possibly be procured there at such a low price, as will, with the charges added, not exceed $32\frac{1}{2}$ cents—for to that the 35 cents minimum is reduced by the new valuation of the pound sterling." Making the estimate on this basis, it appears from his statement (which is annexed) that *on woollen cloths* there is an actual increase of duties to the amount of \$87,002, instead of a reduction of \$129,305 according to the Treasury Statement, making an *over estimate* of \$216,307 on this single article.||

But Col. Drayton thinks that should this prove to be the case, the law will be altered to accommodate the South. If my colleague shall ever make that proposition, I apprehend some woollen manufacturer in Congress will whisper in his ear that the limitation as to price was inserted for the protection of the domestic manufacturer, and therefore cannot be abandoned. I think I have also discovered one or two other errors in this new Treasury Statement, which need correction. The duty on *twist, yarn and thread* remains under the new law the same as before, and yet it is set down in the new statement and there is a reduction on these articles of \$21,598; so the duty on sewing silk has been increased by at least \$5000, of which no notice has been taken. The same thing as I am informed by one of our largest importers in this city, has taken place with regard to the articles called *saltinets* and *linseys*—articles made of cotton and wool, consumed to some extent at the South, and the consumption constantly and rapidly increasing. These articles under the old law paid a duty of 14 cents the square yard, but

|| *On Woollen Cloths.*

By Treasury Statement the amount imported in 1830 was as follows:

	Value.	Duty paid in 1830.	
Not exceed'g			
33 $\frac{1}{2}$ c	266,060	144,870	The new duty with the valuation of the pound sterling at 480 cents, being precisely 54 per cent on \$3,174,315 amounts to
Not exceed'g 50 c	452,743	217,252	
Exceed'g 50, not over 2 50	2,373,791	1,300,372	
Exceed'g 2 50	81,721	50,340	
	<hr/>	<hr/>	
	\$3,174,315	\$1,712,834	\$1,714,130
		Add for cash duty ten mos. inter'st at 6 per cent.	85,706

Compare amount of duty in 1830,

Which will shew an increase by the new Tariff of \$87,002 tantamount to an addition of $2\frac{1}{2}$ per cent on the import value of all woollen cloths.

1,799,836
1,712,834

not coming under the new duty of 5 per cent, which is expressly confined to "plains, kerseys and kendal cottons, of which *wool shall be the only material*," will have to pay a duty of 50 per cent, being as I am told, an increase of about ten per cent on the former rate of duty. I have not been furnished however, with any estimate of the amount. In estimating the amount of "the public burdens" under the Tariff, the *cash duties* have in general been put down at 5 per cent. Mercantile men have estimated it at ten per cent at the least. I have taken some pains both at Washington and here, to ascertain the probable value of the advantage derived by the merchant from having a standing credit with the Government for an average period of ten months instead of being compelled to pay the amount of the duties in cash, and I find the general opinion to be, that it is equal at the very lowest, to from 10 to 12 per cent, on the duty. It is not true that loans to any amount required, can always be obtained whenever wanted—and I have a statement now before me, made out by a mercantile gentleman of the highest character, based upon the difference between cash and credit duties to the importing merchant, estimated on only two voyages in the year, with a profit of ten per cent, and the result is an advantage equal to nearly double the interest of the money on the *whole capital employed*. The cash duties and diminished credits must greatly diminish the commercial capital of the country, lessen the credits now extended to retailers, and concentrate the business in the hands of a few large capitalists. These new regulations of our trade, impose heavy "burdens upon the people" which cannot be estimated in money, but they have impressed my mind so strongly, that I should have preferred that 60 per cent had been imposed upon woollens, rather than that they should have been subjected to the payment of *cash duties*—which, from this example, I foresee will soon creep into the Tariff, in relation to all other goods. The object of this regulation was to advance the interests of the manufacturers by *hampering commerce*, and I fear this is an object that will not be very soon relinquished. Now I will not enter into any calculation to show what will become of Colonel Drayton's estimated reduction of \$909,107, on the protected articles after the amounts here stated shall be taken from it. Every one will see, that according to the highest estimate, not only the whole balance the other way, and according to the lowest, the reduction will be brought down almost to nothing. According to my view of the subject, however, it is perfectly immaterial whether an inconsiderable amount, more or less, has been added to, or subtracted from, the duties on the protected articles, when it manifestly appears from Col. Drayton's own shewing, that duties to the amount of *three millions* on the unprotected articles have been *entirely repealed*, and upwards of a million more taken off, while the duties on the protected article have remained substantially undiminished.—With these data before them, I am quite willing to leave the public to make the calculations for themselves.

If such an arrangement of the Tariff as this is to be regarded as a compromise which *ought to satisfy the South*, then I can only say, that I have greatly mistaken the sentiments of my constituents, and I will add, that we have for eight years past been making a most

senseless clamor to no purpose whatever, for I will venture to assert, that at any moment during that period, the slightest intimation that such a compromise as the new bill, would have been at all satisfactory to us, would have been instantly met by a ready and cordial acquiescence on the part of our opponents. There never has been an instant of time, if Mr. M'Duffie or any gentleman in the confidence of the Free Trade Party of the South, had risen in his place, and proposed to compromise the difficulty by such an adjustment of the Tariff as is contained in the new Bill, when such a proposition would not have been eagerly embraced, and the controversy settled forever. And this for the plainest reason in the world, because it would have been regarded as a concession eminently beneficial to the manufacturers, by recognizing and establishing the *principle of protection*, by repealing the duties imposed for *revenue*, and leaving almost untouched the duties imposed for *protection*, by leaving the South subject to its *burdens*, and the North in the enjoyment of its *bounties*, by taking off the taxes from articles of luxury consumed chiefly by the rich and on which the duties operated every where alike, and throwing the whole burthens of the government upon those very articles on which the Tariff States receive in bounty more than they pay in taxes; the very articles too which are the fruits chiefly of Southern industry, and which are brought into competition with the manufactures of the North. In estimating the value of the concession which is supposed to have been made by the new Bill, it seems to be entirely forgotten, that from the fall of prices which have taken place since 1828, in order to bring down the specific duties to as low a rate as was fixed by that act, *at the time it was passed*, a very considerable reduction of duty was necessary. Thus \$30 a ton upon rolled iron is a higher duty now, when it can be purchased in England at \$22, than \$37 a ton in 1828, when it cost upwards of \$30; and so of almost every other article. If the reduction of prices be taken into the account, I am perfectly satisfied, that the duties upon those articles have been greatly increased beyond what they were when the Act of 1828 was passed. But there is another aspect of this question entitled to very serious consideration; it is, that under the new Bill the revenue will probably greatly exceed the necessary wants of the Government, and that very large sums levied upon agriculture and commerce, and brought into the Treasury merely for the purpose of affording protection to domestic manufactures—will have to be *divided among the States*, or made the subject of “a disgraceful scramble,” in which, according to Mr. Jefferson, “they who are meanest will get most”—a system by which one portion of the country is to be impoverished, in order that another may be corrupted. The Secretary of the Treasury has chosen to make his estimate of the future revenue of the country on the basis of the receipts of the year ending on the 30th of September, 1830.

In estimating, however, the probable amount of the future revenue of the country, I think the *present receipts*, or those of the *last year*, or the *average receipts of the last six years*, will afford safer grounds on which to make our calculations. Let us see what will be the results according to these data.

1, The next revenue of the year ending the 31st Dec 1831, (see Sen. Doc. No. 155 was	\$30,451,373
From which take the reduction according to the new Treasury statement,	5,187,078
And we have a nett revenue under the new bill of	25,264,295
From which take the average expenditures of the Government for all objects exclusive of the public debt	12,000,000
And we have a surplus of <i>To be scrambled for.</i>	\$13,264,295
2. The estimate in the annual Treasury Report of the probable receipts of the year 1832 was	30,100,000
From which take the estimated reduction as above and we have	\$24,912,922
Of nett revenue, being \$12,912,922 over and above the ordinary expenditures of the Government, <i>to be scrambled for.</i>	
3. The average nett amounts of receipts from the customs for the last six years is	\$22,516,312
To which add the public lands, &c. according to the receipts of last year and we have	3,500,000
From which take the proposed reduction	\$26,016,312
	5,187,078
And we have	\$20,829,234

Being \$8,829,234 more than the ordinary expenses of the Government. Seven millions of this surplus have already been absorbed, and I have no doubt that at the very next session of Congress the whole of the remainder will be *provided for*, unless the proceeds of the public lands shall be otherwise disposed of, so that in effect after relieving the country from an enormous public debt, we shall remain subject to nearly the same amount of taxation as if the public debt had remained undiminished.

I now take leave of this painful subject. In presenting these views to my constituents, I can have no motive under Heaven to deceive them, even if I were capable of such baseness. As God is my judge it would have afforded me the highest satisfaction to have been enabled to tell them that "all was not lost," and that there was still hope from a reaction in public sentiment, or a returning sense of justice on the part of our oppressors. But as I cannot bring myself to *think so*, I cannot consent to *say so*. I feel bound to warn my constituents of the actual condition of their affairs, and to leave it to THE PEOPLE to determine what is proper in such an emergency to be done. As a faithful Representative, I have felt myself placed under the most solemn obligations to state my honest conviction, however painful may be the truths I have to communicate, and to whatever imputations I may thereby be subjected, at home or abroad. The part which I have been compelled by a

deep sense of duty, to take, has been as painful to me as it must of necessity have been unprofitable. A Representative in Congress, refusing to enlist under the banners of contending chieftains struggling for power—standing aloof from the party conflicts of the day—who is constantly striving against the extension of the power and patronage of the Federal Government, and endeavoring to rescue from the grasp of the monopolists their ill gotten gains, has at best but a thankless office, and is very much in the situation of one who should undertake to tear from the hungry lion his prey, or rob the lioness of her young. If I could have felt myself at liberty to retire from the unequal conflict, I should long since have abandoned the field in despair. God knows I have no other interest in this matter than that which is common to all my constituents. If there be one wish nearer to my heart than any other, it is, that I could receive an honorable discharge from this warfare, and after seeing my fellow citizens once more in the full enjoyment of their just rights and our country restored to prosperity and peace, that I could be permitted to retire into private life with the consoling reflection, of which it is not in the power of man to deprive me, that unseduced by the blandishments, and unawed by the frowns of power, in every situation in which I have been placed, I have been faithful to my constituents. That the Almighty disposer of events may so overrule the counsels of men, as to bring good out of evil, and tho' "clouds and darkness are round about us," that we may find out the way to **LIBERTY AND SAFETY**, is my constant prayer to Him who holds in his hands the destinies of nations.

I have the honor to be, very respectfully, your fellow-citizen,

ROBERT Y. HAYNE.

To Barnard E. Bee, Arthur Middleton, Henry Horlbeck, John Huger, Richard W. Cogdell, William Carson, Edward H. Edwards, Thomas Cormick, John Wilkes, Alexander Gordon, John L. Nowell, R. W. Seymour, Henry J. Harby, Francis Dapont, John B. Irving, Esquires, Committee.

GEN. HAYNE'S

Rejoinder to Colonel Drayton.

To the Editor of the Evening Post:—

SIR—I beg leave to submit to the public through your columns, a few observations in reply to Col. Drayton's remarks in the *Patriot* of Friday.

Col. Drayton seems to think that the New Tariff must be considered as a "COMPROMISE," because the Secretary of the Treasury "offered his Bill as a reasonable scheme of compromise, and for the adjustment of existing differences"—because that scheme "was declared to be the basis of the Bill reported by the Committee on Manufactures," and because "a majority of the restrictionists signified their willingness to accede to such terms of compromise as he has referred to in his Address, and which he understood from those with whom he acted—the friends of free trade, were *acquiesced in*," &c. Now on this statement I must remark first, that Col. Drayton admits that "these terms were in many respects *not carried into execution* by the Act of 1832." NEXT, that the Treasury scheme was much more favorable to the South than the Bill reported by the Committee on Manufactures, especially in an increase of the duties on woollens from 30 per cent as recommended by the Secretary, to 50 per cent, and also in the change of the pound sterling. And LASTLY, that if the Treasury scheme is to be considered as "the basis of the New Bill," then there can be no hope of any further reductions, since it was explicitly declared by the Secretary himself, that it was a part of his scheme that the arrangement should be one, "PERMANENT in its character, and NOT LIABLE TO CHANGE."

Col. D. still thinks, however, that there is some ground for hope, inasmuch as the "improvements," (small and unsatisfactory as he admits them to be) were effected—"though the Bill containing them was voted against by the firmest friends of protection and by six of our delegates in the House of Representatives." Now does Col. Drayton suppose that our prospects for further concession would have been in any respect improved—if these "six of our delegates," together with the whole of the Georgia delegation, [save one] and a large proportion of the Representatives from the other Southern States—including both the Senators from Virginia, and one from

each of the States of North-Carolina, Georgia, Alabama, and Mississippi had acceded to the terms of compromise, and voted *with Adams, Clay, Dickerson and Webster*. "and a majority of the restrictionists" for the New Bill? If he thinks so, I am persuaded he is greatly mistaken. The truth is, that but for our strenuous and uncompromising opposition to the New Bill, its provisions would have been much worse than they are, and even if they be any shadow of foundation for the long cherished hopes of Col. Drayton, it must rest entirely upon the fact, that the above mentioned "friends of free trade *with whom I acted*," have had no lot or part in this boasted compromise.

As to the implied obligation "*to submit quietly to the New Bill*," Col. Drayton and those who acted with him, are the best judges of its extent. But I will here take the liberty of saying, that though "a Representative cannot bind his successors in another Congress," yet I much fear that all our future applications for relief will be met by the declaration, that the South has no right to complain of a Bill passed by the votes of their own Representatives, or to relieve themselves from a compromise entered into between "these friends of free trade," and a majority of the restrictionists."

In relation to the "error," which I charged Col. Drayton, of his having set down the amount of *articles made free* under the late Bill at \$400,000, when in fact they amounted to \$3,108,631, the Colonel says that his expressions are—"when the amount of all the duties declared free by the Act of 1832 are *estimated* by the Register of the Treasury at no more than \$400,000," and add "that the duties upon other *articles* declared to be free, are not *estimated* but *ascertained* from official data and therefore required no estimation." He admits, however, that "for the sake of clearness he ought to have specified the duties repealed which had been ascertained from official data as well as those which had been estimated, and therefore had the necessary addition inserted in the Patriot," &c Now with all due deference to Col. Drayton I must consider this explanation as even more extraordinary than the original error. How the amount of "*all duties declared free*" could be embraced in an *estimate*, while there was six times that amount actually made free not included therein, is entirely beyond my comprehension. How, "ALL the duties made free" could be embraced in so small a part, is to me inexplicable. The point in dispute, was not, what amount of the articles made free under the Act of 1832, had been "*estimated*," and what amount "*especially enumerated*" in the new Treasury statement—but whether the authors of the Address were right in asserting that the duties had been "*entirely repealed*," on a very large proportion of the protected articles. Col. Drayton expresses his surprise that "such an assertion should be hazarded, when the amount of *all the duties declared free by the Act of 1832*, are estimated in the statement of the Treasury at no more than \$400,000." It is impossible for language to be more explicit. It is here distinctly asserted, not that the articles "*estimated*" in addition to these "*especially enumerated*" was \$400,000, but that the duties on "ALL the articles declared free, was no more than \$400,000." The authors of the Address had as Col. Drayton supposed, greatly magnified the amount of free articles, and to correct their error, he refers to the Treasury estimate to prove, that the whole amount of free

articles under the New Bill was \$400,000 and "NO MORE!" It is clear, than when writing that part of his Address, Col. Drayton must have overlooked the fact, if he was ever acquainted with it, that "the whole amount of articles made free under the New Bill," was upwards of three millions. He tells us now, that when he gave his vote for the Bill, "he had not calculated what the repealed duties would amount to." He was deceived by the manner in which the new Treasury statement was made up, or he would certainly never have laid so grave a charge to his colleague, and undertaken to prove it, by this reference to an estimate, which in the aspect now given to the case, had nothing whatever to do with the question. I have never imputed to Col. Drayton any intentional error. This error has been corrected by himself—and there I am quite willing to let the matter rest. The true amount of duties on the unprotected articles is a very different question. Col. Drayton submits a calculation to shew, that, these will amount to \$4,357,564. I have heretofore estimated them at \$3,227,353, and given the grounds for that estimate. The difference arises from my having taken into the account Col. Drayton's over estimate of reductions on Woollens, Cotton Bagging, Hardware, &c. estimated at \$324,989, and Col. Drayton imputing to me errors not committed, and committing them himself. Thus he says, "he finds in examining my statement, that I have committed an error to the amount of \$78,805, by adding \$436,890 to the amount of duties on the protected articles, as the difference arising from the change in the pound sterling, without adding the difference arising from this change in the unprotected articles." But the error is on his part and not on mine, as he will perceive at once, if he will advert to the fact, that the sum of \$15,451,943 *includes the difference in the pound sterling, and so likewise* does the sum of \$11,729,545, the duties on the protected articles. The difference between those two sums, must of course be the amount of duties on the unprotected articles, *including the charge in the pound sterling*, and if this should be again added, as proposed by Col. Drayton, it is evident that it would be *twice charged*. Col. Drayton denies having committed a mistake amounting to \$82,365 in calculating the difference in the pound sterling, inasmuch as "in his calculation he did not assume the difference to be 8 per cent. but only 7 2-5." Col. Drayton has here established the existence of his error, and pointed out its source. If there be any truth in figures, or any reliance to be placed in the calculations of skillful accountants, the true difference in the change of the pound sterling is 8 per cent, and not 7 per cent as assumed by Col. Drayton. The facts and calculations on both sides on these points are now before the public, to whose judgment I cheerfully leave the decision.

I will now proceed very briefly to notice some of the remaining points in controversy between Col. Drayton and myself.

1st.—"The duty on twist, yarn and thread, was stated to be reduced by \$21 598, when the duties on these articles remain under the New Tariff the same as before." This Col. Drayton admits to be an error, which he charges to the new Treasury Statement.

2d.—"The duty on sewing silk has been increased \$5000, of which no notice has been taken. This is another acknowledged error in the Treasury Statement. To which is to be added the in-

creased duty on *satinets* and *linseys*, and on *syrup* from the cane, (on which last article it appears that a prohibitory duty has been imposed) for none of which any allowance has been made.

3. *Manufactures of Iron.*—In relation to these articles, I have shewn that under the *Proviso*, in the 10th and 12th clauses of the 2d section of the new Act, according to the very lowest estimate, as made by respectable merchants of this city, the increase of the duty will be at least \$200,000, while according to a statement received from Philadelphia, it will be upwards of \$500,000. On this point, Col. Drayton, merely says “that he does not know the basis on which it is assumed that the statement of the Register of the Treasury is erroneous.” &c. Now if Col. Drayton will turn to the Treasury Statement of May last, he will see that in the estimate of the duties on *hardware*, they are set down at 25 and 30 per cent without any allowance for the increased duties under the *provisoes*, which as I have shewn on a former occasion, will make “an average increase on coarse articles of not less than from 125 to 150 per cent and carry up the duty on some articles to upwards of 300 per cent.” The Treasury is certainly therefore in error here.* The amount can of course only be estimated.

4th. *Cotton Bagging.*—I have shewn that a *proviso* was inserted in the new bill for the express purpose of bringing the article called *Hessians*, paying a duty of 25 per cent. (and which is now used in packing much the largest portion of the cotton of the Southern States, under the new duty of 3½ cents, which on this article will so greatly exceed the old duty, as to amount on the whole to an increase of the tax on the cotton planters, of \$42,000. Col. Drayton replies that this will depend on the instructions of the Treasury. It may be so, but as matters now stand, we must apply the law to the existing rule, and thus there is an increase of the tax upon the Southern planters, on cotton bagging, an article on which they were promised a great reduction. The Sea Island planters may not be affected by this, but the “Upland Planters” who do

* I will give a case or two by way of example, with a single remark that all articles made of rod, hoop, bolt, sheet iron or iron wire, come under the *provisoes*.

On an invoice of *trace chains* the present duty on which at 25 per cent amounted only to \$69, the duty under this bill (at 3 cents per lb.) will amount to \$198.

On a parcel of knitting needles now paying duty of \$1 90, the proposed duty will be \$9.

On an invoice of bed screws costing \$53, and paying duties under the existing laws of only \$12 the duty under this bill will be \$67.

These cases have been furnished from the most unquestionable sources.

A practical man intimately acquainted with the subject, writes me, that “these *provisoes* will double the duty on hardware made of common sized iron.”

not use a yard of what Col. D. calls "the bagging of good quality," will have to pay the difference. The rich may be benefitted, but it will be by taking a larger sum out of the pockets of the poor.

5th. *Negro Cloth*.—On this point I have not assumed that none could be brought in under the 5 per cent duty. What I said was, "that taking the proportions imported into this place last year, when the prices were unusually low, near *one-third* of the importations would come under the 50 per cent duty, and even on this basis a deduction will have to be made from the estimated reduction on this article, of \$55,031"—and I then annexed a statement submitted by a respectable importer of this city, showing, that according to *present prices* in England, "*none* could be imported, the price of which, with the charges added, would not exceed 32½ cents, to which the 35 cents is reduced by the new valuation of the pound sterling." On this basis, the increase of the duty on woolen cloths would be \$87,002, instead of a reduction of \$129,305. The only point in the case is, whether the article can be imported under the new duty, and to what extent? I have given the evidence in my possession, and the evidence on the other side is before the public. I have nothing to add, except to invite Col. Drayton's attention to the history of this Negro Cloth duty, as recorded in a late number of the Banner of the Constitution.

6. *Drawbacks*.—On this point, I alleged that Col. Drayton, in adopting the Treasury Statements, of \$5,187,078, as the *aggregate reduction* under the new bill, had taken the *nett* revenue as the basis of his calculation, while in assuming \$1,867,056 as the amount of reduction on the *protected articles*, he had made his calculations on the *gross* revenue, without deducting drawbacks, "when it is clear, that *the same data* ought to be assumed in both cases." Col. D. while he admits the *fact* here charged, says "that a reduction *was* made by him for drawbacks in the *aggregate*, and it does not seem to him that they have any connexion with a comparative statement intended to shew the reduction on the amount of duty on a given sum." But the very point of comparison in this case was the *relative amount* of reduction, under the new Bill, on the protected and unprotected articles. Col. Drayton states the case thus: Reduction on the protected articles \$1,869,056—in the *aggregate* \$5,187,007—from which it would *seem* to follow as a matter of course, that the reduction on the unprotected articles must be \$3,317,951, being the difference between these two sums. But it turns out that the amount of reduction on the protected articles has been calculated on the *gross* revenue, and the *aggregate* reduction on the *nett*. Taking the nett revenue as the basis of both calculations, the statement would stand thus: Reduction on the protected articles, (according to Col. Drayton's estimate) \$1,666,056, on the unprotected \$3,520,951: aggregate, \$5,187,007.—There is nothing to be added to the mere statement of the case—it speaks for itself. This calculation, however, is founded on the data assumed by Col. Drayton. But from this \$1,666,056, there is still to be deducted \$759,949, Col. D's. own estimate of the cash duties—leaving only \$906,107 as the amount of reduction on the protected articles, according to his own shewing—which, according to my calculation, would still be subject to all the *deductions* before mentioned. I will only add that Col. Drayton has thrown

into his list of unprotected articles several which properly belong to the protected class, such as *spirits*, and a number of other articles, the duties on which exceed \$100,000,000.

7. *Fall of prices*—Col. Drayton does not deny that the specific duties under the new bill may exceed their rate *ad valorem* under the Act of 1825. But he says he does not know whether any fall has taken place in the price of rolled Iron, and that at all events "it will be diminished in a ratio proportionate to the reduction of duties." Now if Col. Drayton will turn to the Blacksmith's petition, he will see that rolled Iron was selling in England at that time at a price which made the duty of \$30 a ton less than 100 per cent. whereas it can now be had at \$22 a ton, making the new duty upwards of 130 per cent. The same thing is true, in a greater or less degree of *all articles*, and to bring the specific duties under the new law, down to what they were when the act of 1828 was passed.—I am inclined to think a general reduction of from 15 to 20 per cent, would have been necessary. My objections to the new bill on this score went to this extent and no farther, that while prices have every where fallen, there has not been a proportionate reduction of the specific duties, thereby in effect increasing their rates *ad valorem* beyond what they were in 1828.

One word as to the *cash duties*. The advantage to the Commerce of the country of the credit system can only be estimated by merchants. Assuming their estimates, I have supposed it fully equal to 10 per cent *on the duty*. Some have estimated it (as assumed by Mr. McDuffie in his speech) as equal to 10 per cent on the capital employed. I have a statement now in my possession derived from a merchant of the highest character, shewing this result. I did not however understand, as some others have done, that the estimates in the *Address* were based on this view of the subject. My own speech in the Senate will shew, that I proceeded on a different basis. To prove that cash duties have always been considered as a "burden" greater than the mere interest of the money,—I will refer Col. Drayton to Mr. Webster's speech delivered to the Boston meeting in 1820, where he states explicitly that this change in our revenue system would be highly injurious to commerce, that in some cases it would make the employment of *two capitals* necessary to accomplish the same object that might otherwise be effected with one,—that it would have a tendency to destroy all the small merchants, and concentrate the business in the hands of such merchants as William Gray, &c. These sentiments were then responded to by the merchants of Boston, and I know are now acknowledged by those of New York to be correct.

The result of the whole, then, according to Col. Drayton's statement, would be, that the "public burdens" under the new Bill had been reduced "in the aggregate" about *five millions* of dollars—of which upwards of *four millions* was on the *unprotected articles*, and less than *one million* on the *protected* [the value of each class being about the same, viz. \$29,000,000 in round numbers,] so that from his own shewing, the reduction under the new Bill has been *four times as great on the unprotected as on the protected articles*. According to our view of the subject however, this estimated reduction of one million on the protected articles, would be more than absorbed by the deductions to be made from the Treasury estimate

(on which Col. Drayton's calculations are based,) for the increased duties on iron manufactures, cotton bagging, &c. &c. and for errors which have been committed in that statement; so that the final result will probably be an increase of duties on the protected articles, and a diminution of about four millions on the unprotected articles, of which upwards of three millions will be on articles *made free* under the new bill. Whether under either of the views the "burdens of the *protective system*" have or have not been "decidedly increased," we leave it to the people to determine.

I find that Col. Drayton and myself differ as widely as to the *probable future revenue* and the *surplus* which will be left in the Treasury, as we do with respect to the amount and character of the *reductions* under the new bill. The Treasury estimates were founded on the receipts for the *fiscal* year ending on the 30th of Sept. 1830, the year of the greatest depression under the operation of the Tariff of 1828, and from which the country began so immediately thereafter to recover, that if the *Calendar* year had been assumed, it would have made a difference of near two millions in the revenue. The true question is, what will probably be the amount of revenue collected under the new bill? Taking the *present* or the *last year* as the basis of the calculation, I have

shewn that the nett revenue is	\$30,000,000
From which deducting the proposed reduction	5,000,000
And we have as the amount of revenue under the new Bill,	25,000,000
From which take the average expenditures for all objects exclusive of the public debt,	12,000,000
And we have a <i>surplus</i> of	\$13,000,000
To be scrambled for.	

When Col. Drayton objects to this estimate, it can only be, on the ground that the receipts of the two last years exceed the general average. This is admitted. But our revenue has been on the *increase* for several years past, and I know of no reason why it should hereafter be diminished. A farmer, in estimating the future profits of his farm would hardly discard the consideration of its improved *productiveness* or the natural increase of his people, and go back to average crops of past years. But we will take the basis which Col. Drayton is willing to acknowledge as the true one, and see how the account will then stand. The average nett revenue from customs for the last six years is \$22,516,312.

This is the very lowest estimate of the revenue from customs under the old law and it is subject to no deduction whatever. It was fully equal to this amount before the Acts of 1830 went into operation, and has greatly exceeded that amount since. What will be the *reduction* under the new Bill is only an *estimate*. I believe that it has been greatly overrated by the Treasury. But assuming it to be \$5,187,073; (which on whatever data it may have been estimated, I have no doubt will be found to be *quite large enough*) and taking this sum from \$22,516,312, the very lowest estimate of the *present revenue*, and we will have a nett revenue from customs under the new Bill of

\$17,329,234

To which add for public lands, bank

dividend, &c.	3,500,000
[Though they amounted last year to upwards of \$4,000,000]	
And we have a nett revenue of	20,829,234
From which deducting the ordina- ry expenses of the Government	12,000,000
And we have a <i>surplus</i> of	8,829,234

I throw entirely out of view the reductions effected under the Acts 1830. For surely these reductions ought not to be deducted from the estimate of our *future receipts*, unless they have in fact reduced the amount of revenue. This is so far from being the case, that the revenue has constantly increased notwithstanding these reductions.

In the science of political economy, every reduction does not necessarily diminish the revenue, and we know that the reduction of 1830 has not lessened it a single cent. but on the contrary that it has been constantly increasing. Col. D. thinks that the public lands, &c. are estimated too high at \$3,500,000. But the lands alone last year, exceeded this amount. The sales have been constantly increasing, and must go on increasing. It is not in the nature of things that this should be otherwise. The average receipts from these sources for the last 3 years, has exceeded \$3,000,000. But whether we take either of these sums, or that assumed by Col. Drayton himself, viz: \$1,000,000, it will make no material difference, there will still be a surplus of seven or eight millions to be scrambled for.

Col. Drayton concludes his remarks, by saying, "that he will leave it to the intelligence and candor of his fellow-citizens to determine whether he had judiciously and honestly discharged the trust which they had reposed in him." In reply to this observation I have only to say, that it has not been my object to implicate the conduct of Col. Drayton, but to vindicate my own. This controversy grows out of an attack made by Col. D. upon the Address of myself and 7 of my colleagues, to the people of this State, and made, too, in a *tone* of which I must think we had some cause to complain. If in my reply, I have used the *freedom* which belonged to the occasion, I wish it to be understood, that I should as soon distrust my own *motives* as impeach those of Col. Drayton—but I think I have at least shewn, that he has no more claim to impunity from "errors" than his colleagues.

ROBERT Y. HAYNE.

Charleston, Sept. 1, 1832.

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